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STATUTORY INSTRUMENTS

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**1995 No. 3297**

**The Duration of Copyright and Rights  
in Performances Regulations 1995**

**Part III**

**Savings and transitional provisions**

*Copyright*

**Revived copyright: exercise of moral rights**

**22.**—(1) The following provisions have effect with respect to the exercise of moral rights in relation to a work in which there is revived copyright.

(2) Any waiver or assertion of moral rights which subsisted immediately before the expiry of copyright shall continue to have effect during the period of revived copyright.

(3) Moral rights are exercisable after commencement by the author of a work or, as the case may be, the director of a film in which revived copyright subsists, as with any other copyright work.

(4) Where the author or director died before commencement—

(a) the rights conferred by—

section 77 (right to identification as author or director),

section 80 (right to object to derogatory treatment of work), or

section 85 (right to privacy of certain photographs and films),

are exercisable after commencement by his personal representatives, and

(b) any infringement after commencement of the right conferred by section 84 (false attribution) is actionable by his personal representatives.

(5) Any damages recovered by personal representatives by virtue of this Regulation in respect of an infringement after a person's death shall devolve as part of his estate as if the right of action had subsisted and been vested in him immediately before his death.

(6) Nothing in these Regulations shall be construed as causing a moral right to be exercisable if, or to the extent that, the right was excluded by virtue of paragraph 23 or 24 of Schedule 1 on the commencement of the 1988 Act or would have been so excluded if copyright had not previously expired.